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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
ISHMAEL JONATHAN SERGIE,)
)
Defendant.)

No. 4BE-21-00205CR

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE NATHANIEL PETERS
Superior Court Judge

Bethel, Alaska
June 24, 2021
10:55 a.m.

APPEARANCES:

FOR THE PLAINTIFF: IZAAK BRUCE
(Telephonically)
District Attorney's Office
204 Eddie Hoffman Highway
Bethel, Alaska

FOR THE DEFENDANT: EMILY JURA
(Telephonically)
Public Defender Agency
900 West 5th Avenue
Suite 200
Bethel, Alaska

ALSO PRESENT: Emily Newport
(Telephonically)
Public Defender Agency
Jasan Andrews
(Telephonically)
potential third-party
custodian
Ronald W. Andrews
(Telephonically)
potential third-party
custodian

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1 P R O C E E D I N G S

2 Courtroom 5

3 10:55:32

4 THE COURT: All right, do we have Ishmael Sergie on the
5 phone?

6 THE DEFENDANT: Yes.

7 THE COURT: All right.

8 So we're on record now, State of Alaska v. Ishmael Sergie,
9 4BE-21-205CR. This time is set for a bail hearing. This is
10 Judge Peters in Bethel.

11 Do we have Mr. Bruce on the phone still from the State?

12 MR. BRUCE: Yes, Your Honor.

13 THE COURT: Thank you.

14 And Ms. Jura representing Mr. Sergie?

15 MS. JURA: Yes, Your Honor.

16 THE COURT: All right, thank you.

17 And Mr. Sergie's on the phone from Goose Creek, correct?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Thank you, Mr. Sergie.

20 And anybody else on the phone for Mr. Sergie's case?

21 MR. J. ANDREWS: Jasan Andrews, from Akiak.

22 THE COURT: All right, thank you Jasan.

23 And what about Ronald?

24 MR. R. ANDREWS: Ronald Andrews, on the phone too.

25 THE COURT: All right, thank you.

1 And anybody else on the phone for Mr. Sergie's case?

2 MS. NEWPORT: Yes, Your Honor. This is Megan Newport
3 calling in from the Public Defender's, just to listen.

4 THE COURT: Okay, thank you.

5 Anybody else on the phone?

6 All right, Mr. Bruce, victim notification in this case?

7 MR. BRUCE: Yes, Your Honor. We did make contact with the
8 victim's family, Your Honor. I believe that her mother
9 indicated that she might call in, so I would see if Ms.
10 Nickeri's (ph) on the line.

11 THE COURT: Do we have Ms. Nickeri on the phone?

12 Anybody on the phone representing A.N.?

13 Okay. Well, victim notification, it sounds like, was
14 complied with.

15 Ms. Jura, if you want to put on record what the proposal
16 is?

17 MS. JURA: Yes, Your Honor. We are asking that Mr. Sergie
18 be released to two full-time third-party custodians in Akiak
19 with no cash bail requirement, and the third-party custodian
20 arrangement would be 24-hours a day, 7 days a week.

21 THE COURT: Okay. And Mr. Bruce, any statutory
22 prohibitions?

23 MR. BRUCE: No, Your Honor.

24 THE COURT: Okay. And so for Jasan and Ronald, I'm going
25 to use first names since we have two Mr. Andrews. I'm going to

1 use first names. We're going to get you sworn in, and then
2 we're going to talk to you one at a time -- ask you questions
3 one at a time.

4 Ms. Jura, who are we going to start with?

5 MR. R. ANDREWS: Ronald Andrews.

6 MS. JURA: Your Honor, we can start with -- we can start
7 with Ronald.

8 THE COURT: Okay. So Ronald, this is Judge Peters in
9 Bethel. I'm going to get you sworn in, ask you a couple
10 preliminary questions, and then the attorneys are going to get
11 to ask you questions, okay?

12 MR. R. ANDREWS: Okay.

13 THE COURT: All right, so if you can raise your right
14 hand?

15 (Oath administered)

16 MR. R. ANDREWS: Yes.

17 RONALD W. ANDREWS

18 called as a witness on behalf of the Defendant, testified
19 telephonically as follows on:

20 DIRECT EXAMINATION

21 THE COURT: All right.

22 MR. R. ANDREWS: Yes, Your Honor.

23 THE COURT: Okay, great. Go ahead and put your right hand
24 down. If you can state and spell your first and last name for
25 the record?

1 THE WITNESS: Spell it out?

2 THE COURT: Yes, please.

3 THE WITNESS: R-O-N-A-L-D, my middle initial is W,
4 A-N-D-R-E-W-S.

5 THE COURT: All right, thank you. And you're calling in
6 from Akiak today?

7 THE WITNESS: Right, uh-huh (affirmative).

8 THE COURT: Okay, great. And how do you know Jasan; I
9 assume you guys are related somehow?

10 THE WITNESS: Yeah, Jasan is my son -- oldest son.

11 THE COURT: Okay, and how about Ishmael? How do you know
12 Ishmael?

13 THE WITNESS: He's our grandson. That's Jasan's nephew.

14 THE COURT: Okay. So Ishmael is your grandson, Jasan's
15 nephew?

16 THE WITNESS: Yeah, uh-huh (affirmative).

17 THE COURT: Okay. Very good, thank you. And do you know
18 what Ishmael's charged within this case?

19 THE WITNESS: Yeah, they told me. The --

20 THE COURT: Okay.

21 THE WITNESS: -- the public defender told me.

22 THE COURT: Yeah, and what's your understanding of what
23 he's charged within this case?

24 THE WITNESS: What was he charged with?

25 THE COURT: Yeah, that's the question. What is he charged

1 with; what's your understanding?

2 THE WITNESS: With rape.

3 THE COURT: Okay. And do you know who he's alleged to --

4 MR. WELLS: (Indiscernible - simultaneous speech) Wells.

5 Good morning.

6 THE COURT: Thank you, Mr. Wells, stand by.

7 Mr. Andrews, Ronald, do you know who he's alleged to have

8 raped?

9 THE WITNESS: I don't -- I don't really know her. I --

10 you know, I'm bad with names, but she's from Kwethluk.

11 THE COURT: Okay. Do you know, is she in Kwethluk now, or

12 is she in Akiak?

13 THE WITNESS: I don't even know where she's at.

14 THE COURT: Okay.

15 THE WITNESS: (Indiscernible).

16 THE COURT: Okay, all right.

17 Ms. Jura, questions for Ronald?

18 MS. JURA: Yes, Your Honor.

19 BY MS. JURA:

20 Q Okay, Ronald, I have a few questions for you.

21 A Okay, Uh-huh (affirmative).

22 Q (Audio interference) a third-party custodian for Ishmael?

23 A Come again? You're cutting up.

24 Q Sorry. Do you understand what it means to be a third-

25 party custodian for Ishmael?

1 A Yes. Yeah.

2 Q Okay. Do you understand, he would have to be with you all
3 the time or another third-party custodian?

4 A Yeah, that's -- yeah, I -- I understand that.

5 Q Okay. And it's in either your sight or your sound. So he
6 could go to the bathroom; you don't have to follow him in.
7 But he'd have to be within range so that you could call
8 out to him; does that make sense?

9 A Yeah, and he wouldn't have to take a steam with me if he
10 doesn't want to.

11 Q Right. And you're keeping an eye on him to make sure that
12 he follows the Court's rules. If he doesn't follow the
13 Court's rules or if he takes off and runs away, it would
14 be your job to call the police and report that; do you
15 understand that?

16 A Yeah, I don't think he'll be doing that with me though --
17 running away like that. He knows me very well.

18 Q Okay. Yeah, you're his grandfather, and he's a teenager.

19 A Uh-huh (affirmative).

20 Q Does he typically listen to you pretty well?

21 A What was that?

22 Q Does he typically listen to you pretty well?

23 A Yeah, he -- he listens to me all the time.

24 Q Okay. Would you be willing to report him, though, if he
25 ran away?

1 A Yeah. Yeah.

2 Q Okay.

3 A I have to.

4 Q Right. And do you understand, you could be charged with a
5 crime if you didn't report him?

6 A Yeah, I know. I'm aware of that.

7 Q Okay. And does Akiak have law enforcement?

8 A Yeah, they got a bunch of them now -- maybe five -- six.

9 Q Okay.

10 A Or five -- yeah, they got five.

11 Q Okay. And would Ishmael be living with you, or would he
12 be living with Jasan?

13 A With me.

14 Q Okay. And who all lives in your household?

15 A Right now, just me and my wife.

16 Q Okay. And she understands that Ishmael will be coming to
17 live with you?

18 A Yeah. Uh-huh (affirmative).

19 Q Okay.

20 A She knows.

21 Q Okay. And it's your understand that A.N., the alleged
22 victim, in this case, does not live in Akiak?

23 A No, she does -- she doesn't.

24 Q Okay. And if for instance, she did decide to come back to
25 Akiak, you understand, Ishmael could not have contact with

1 her at all. He couldn't say hi to her. He couldn't --
2 A Yeah.
3 Q Okay.
4 A Yeah, I know it.
5 Q And if he tried to do that, you would also have to report
6 that, okay?
7 A Right.
8 Q Okay. Okay, I don't have any further questions. Thank
9 you.
10 THE COURT: Thank you.
11 THE WITNESS: Thank you.
12 THE COURT: Mr. Bruce, any questions for Ronald?
13 MR. BRUCE: Yes, Your Honor.
14 RONALD E. ANDREWS
15 testified as follows on:
16 CROSS EXAMINATION
17 BY MR. BRUCE:
18 Q Ronald, can you hear me all right?
19 A I can hear you, yeah. Good.
20 Q Okay. So my first question is, are there any health
21 reason why you might not be able to be a third-party
22 custodian -- and that could be anything -- if you have to
23 go in for any medical appointments that you know about.
24 But are there any health reasons why you might not be a
25 third-party custodian?

1 A I got no health reasons.

2 Q Okay. And do you know the --

3 A Just other than -- yeah, I got no health reasons.

4 Q Okay. And do you know who the victim is; her initials are

5 A.W. (sic)?

6 A Yeah, I think I -- yeah, I think know -- know who she is.

7 Q Okay. And so you'll be able to make sure that Ishmael

8 doesn't have any contact with her, right?

9 A Yep, I'll make sure.

10 Q Now, the biggest thing about being a 24-hour sight-and-

11 sound custodian is that he has to be with you all the

12 time. What would you do if you woke up one morning and he

13 wasn't in the house?

14 A Look for him and call the cops.

15 Q Thank you, sir. That covers my questions for you.

16 THE COURT: Ronald, this is Judge --

17 (Break in audio)

18 THE WITNESS: Oh, instead of looking for him?

19 THE COURT: Yes.

20 THE WITNESS: Okay.

21 THE COURT: You need to immediately call the police; do

22 you understand that?

23 THE WITNESS: I understand that.

24 THE COURT: Because if you don't immediately call the

25 police, you could potentially get charged with a crime; do you

1 understand that?

2 THE WITNESS: Right.

3 THE COURT: Okay. All right.

4 THE WITNESS: Yeah, I'm aware of that.

5 (Court handles unrelated matters)

6 THE COURT: Okay. Ms. Jura, any follow-up questions for
7 Ronald?

8 MS. JURA: Your Honor, just one thing I forgot to cover.

9 RONALD E. ANDREWS

10 testified as follows on:

11 REDIRECT EXAMINATION

12 BY MS. JURA:

13 Q Ronald, do you work during the day?

14 A I am going to be, maybe middle part of July.

15 Q Okay.

16 A Hopefully, (indiscernible).

17 Q Okay. And for the portions of time when you will start
18 working, is the plan for Ishmael to be with Jasan for that
19 period of time?

20 A Yeah, we are --

21 Q Okay.

22 A -- yeah.

23 Q Okay, thank you.

24 MS. JURA: That's it.

25 THE COURT: Thank you.

1 Okay. So Ronald, stand by. We're going to talk to Jasan
2 now.

3 Jasan, same sort of procedure with you. If you can raise
4 your right hand?

5 (Oath administered)

6 MR. J. ANDREWS: Yes, Your Honor.

7 JASAN L. ANDREWS

8 called as a witness on behalf of the Defendant, testified
9 telephonically as follows on:

10 DIRECT EXAMINATION

11 THE COURT: All right, go ahead and put your right hand
12 down. If you can state and spell your first and last name for
13 the record?

14 THE WITNESS: Jasan Lee Andrews. That's J-A-S-A-N L-E-E
15 A-N-D-R-E-W-S.

16 THE COURT: All right, thank you. And you're calling for
17 Akiak today as well?

18 THE WITNESS: Yes.

19 THE COURT: And Ishmael's your nephew?

20 THE WITNESS: Yes.

21 THE COURT: And so Ronald's your dad?

22 THE WITNESS: Yes.

23 THE COURT: Okay. And do you know the victim, A.N.? Do
24 you know who that is?

25 THE WITNESS: Uh-huh (affirmative), I seen her before, but

1 I've never talked to her or really properly met her.

2 THE COURT: Okay. And have you seen her around Akiak
3 lately?

4 THE WITNESS: No.

5 THE COURT: Okay. Okay, I'm going to turn you over to Ms.
6 Jura at this time.

7 Whenever you're ready.

8 BY MS. JURA:

9 Q Hi, Jasan. This is Emily at the Public Defender's. I
10 have a few questions for you. Do you understand that
11 being the third-party custodian means that you would have
12 to report if Ishmael broke any of the rules that the Court
13 gives him or if he were to leave your sight or sound?

14 A Uh-huh (affirmative).

15 Q Okay. And do you understand that if you didn't report
16 that, you could be charged with a crime yourself?

17 A Yes.

18 Q And as the Court was just discussing with Robert, really
19 the second that you think he's missing, you have to report
20 that; you can't check around and look for him first. Does
21 that make sense?

22 A Yes. Call the cops first, and then can go --

23 Q Yeah. Yeah. And same thing if, you know, Ishmael has a
24 phone and it looks like he's trying to call someone he's
25 not allowed to contact, you're responsibility is just to

1 call the police and not to try to sort it out; does that
2 make sense?

3 A Yes.

4 Q Okay. And does Ishmael -- does he, generally speaking,
5 listen to you and follow your rules?

6 A Yes.

7 Q Okay.

8 A I'm pretty strict.

9 Q Okay. And is the idea that Ishmael would be living with
10 Robert but would be spending time with you when Robert
11 needs a break?

12 A Yes, I don't know about Robert (ph) --

13 Q Okay.

14 A -- but Ronald.

15 A Oh, I'm so sorry. I apologize. I don't have any further
16 questions.

17 THE COURT: Mr. Bruce, questions for Jason?

18 MR. BRUCE: Yes, Your Honor. Thank you.

19 JASAN LEE ANDREWS

20 testified as follows on:

21 CROSS EXAMINATION

22 BY MR. BRUCE:

23 Q Jasan, can you hear me all right?

24 A Yes.

25 Q Okay. So what do you do for a living, sir?

1 A I'm the City Administrator for Akiak.

2 Q Okay. Do you do any hunting or fishing?

3 A Yes.

4 Q When you hunt, do you use guns, or what do you use?

5 A Guns, and I'm getting into bows.

6 Q Okay. So one of the conditions of release is that he not

7 possess any deadly weapons, and guns definitely fall in

8 that category. Would you be willing to keep your guns

9 someplace else while you're a third-party --

10 A Yes.

11 Q -- custodian?

12 A Yes, I usually just keep them not in my house -- the guns

13 I mean.

14 Q Okay. And you know who A.N. is, right?

15 A I've never properly met her, but I know her face, yeah.

16 Q Okay. So you'll be able to make sure there's no contact

17 between them?

18 A Yes.

19 Q Okay. And again, similar question, just imagine that

20 sometime during the day you realize that he wasn't in the

21 house anymore, what would you do?

22 A Call the police to go look for him.

23 Q Thank you. That covers my questions for you.

24 THE COURT: Thank you.

25 Now, Jasan, you said you don't keep the guns in the house,

1 where do you keep them?

2 THE WITNESS: Mainly, at my parent's house.

3 THE COURT: Okay. All right. Because I know some people
4 sometimes just keep them in the artic entry or you know, in a
5 shed outside. I just want to make sure that Ishmael's not
6 going to have any access to any firearms or bows and arrows;
7 does that make sense?

8 THE WITNESS: Yes.

9 THE COURT: So both you and Ronald, if the Court approves
10 you, will have to get rid of all firearms, bows, and arrows;
11 you'll just have to leave them someplace else, and you can't go
12 hunting with Ishmael. When you're a third-party, you're not
13 going to be allowed to go hunting with him; do you understand
14 that?

15 THE WITNESS: Okay, yeah.

16 THE COURT: Okay, all right.

17 Ms. Jura, any follow-up for Jason?

18 MS. JURA: No, Your Honor.

19 THE COURT: Okay.

20 THE WITNESS: And for my job, sometimes I'll probably be
21 traveling for training.

22 MS. JURA: Okay, Jasan, I have a follow-up about that.

23 JASAN LEE ANDREWS

24 testified as follows on:

25 REDIRECT EXAMINATION

1 BY MS. JURA:

2 Q You understand that, basically, if you have to travel
3 outside of the community, that during that time that you'd
4 have to arrange with Ronald to make sure that he could be
5 the third-party custodian while you're done; does that
6 make sense?

7 A Yes. Because I -- I'll definitely need to travel.

8 Q Okay. And if you guys can't work it out and for some
9 reason, neither of you can be third-party custodian, you
10 could just remand him back into the jail; does that make
11 sense?

12 A Yes.

13 Q Okay, thank you.

14 THE COURT: Okay. All right. At this point in time,
15 Jasan and Ronald, stand by. I'm going to hear arguments from
16 the parties.

17 Ms. Jura, argument?

18 MS. JURA: Thank you, Your Honor. I think we have today
19 two strong third-party custodians. They're both natural
20 authority figures for Ishmael Sergie. They're both responsible
21 figures in their community. And so because of the strength of
22 the third-party custodians, the fact that it will be full time,
23 24-hours a day, seven days a week, there are no gaps in this
24 coverage, we think that that is the best form of bail release
25 for Ms. Sergie.

1 He's a 16-year-old. He's a minor. He's a teenager. He
2 doesn't have resources. He doesn't have ties outside of Akiak.
3 He's not a flight risk. You know, is he a danger to the
4 community? I don't think so under this proposal.

5 Given the nature of the allegations, this isn't an
6 allegation of a general risk to the community. It's a specific
7 and particularized risk to one person, A.N., who now lives in a
8 different community than where Mr. Sergie will be residing, so
9 I think that really addresses a lot of the risk. And the
10 third-party custodians understand that Mr. Sergie can't have
11 any contact with her whatsoever.

12 Given that, I don't think a cash bail component would add
13 anything to this release. Again, Mr. Sergie's 16. He doesn't
14 have resources. He doesn't have a monetary fund that he could
15 post this from. And so all it would do would keep him in jail.

16 And given his age -- Mr. Sergie's 16, and so he's being
17 housed at Goose Creek in isolation; it's not safe for him
18 because he's so vulnerable because of his age to be in general
19 population. And he's not being offered any rehabilitation for
20 educational programming at (indiscernible).

21 So really, if he can be released safely, I mean, that is
22 what should happen here. And these two third-party custodians
23 will be parental figures who he listens to. I think that
24 that's an appropriate release, thank you.

25 THE COURT: All right, thank you.

1 Mr. Bruce, argument?

2 MR. BRUCE: Well, Your Honor, I'm going to separate this
3 into two parts. I am not opposed to the appointment of the two
4 proposed third-party custodians, and so I'm going to focus
5 basically exclusively on the issue of monetary bail, Your
6 Honor.

7 Your Honor, currently, if I'm reading the Court's order
8 correctly, monetary bail is set at a hundred thousand dollars
9 cash performance bond. Your Honor, while reduction probably is
10 appropriate with the appointment of two third-party custodians,
11 Your Honor, I believe that it is important that some amount of
12 cash bail still be imposed.

13 And Your Honor, the way I think about this is, you know,
14 currently he is in custody. Even with the appointment of the
15 two third-party custodians, I don't believe that the level of
16 supervision is -- you know, would be equivalent to what would
17 happen at Goose Creek or another correctional facility.
18 (Indiscernible), Your Honor, I would think that some cash bail,
19 if only to increase the incentives on his family, is
20 appropriate, Your Honor, to comply with the Court's conditions
21 and orders of release.

22 THE COURT: All right. And I guess, Mr. Bruce, any
23 thoughts on if this would have happened, I think, three days
24 previous, we'd be looking at a detention review as opposed to a
25 bail hearing? I think, the allegation is that this happened on

1 3/8. His date of birth is 3/6. If this would have happened on
2 3/5, he would have been 15, and like I said, we'd be looking at
3 a detention review as opposed to a bail proposal.

4 MR. BRUCE: Your Honor, I do recognize that. I feel that
5 there are always going to be some cases that cut close to the
6 edges on that issue. However, Your Honor, I do think that some
7 amount of cash performance bond is appropriate given the nature
8 of the allegations that the grand jury found probable cause
9 for, Your Honor.

10 THE COURT: Okay, thank you.

11 And Ms. Jura, any final argument? Ms. Jura, you still
12 there?

13 MS. JURA: Yes, Your Honor. I apologize, I was on mute.
14 I wanted to just respond to the State's argument quickly and
15 with what the Court remarked.

16 I noticed in the charging document that the sexual
17 assault, and maybe the charge for the grand jury, is alleged to
18 have occurred on the 5th, so I did just want to point that out
19 that really we're right on the razor edge of him being of an
20 age that the State, and everyone would recognize that we're all
21 about his best interest. And even if he's just past that
22 limit, of course, rehabilitation and moving him forward is
23 still paramount.

24 Jail, right now, is incredibly destructive for him. Being
25 kept in isolation all day because of his own vulnerability, you

1 know, offered no educational programing is pretty much a worst-
2 case scenario. And while I understand that this Court would be
3 in a tougher position if we didn't have good third-party
4 custodians, that's not the situation. Luckily, we have two
5 very good third-party custodians who have come into court and
6 affirmed that they will report any violation done by Ishmael.

7 And all I heard that the State articulate is that maybe
8 the family needs some additional incentive, but the family,
9 obviously, is not on trial; they haven't done anything wrong.
10 And so they volunteered in coming to court, taken an oath, and
11 understand that they would be charged with a crime if they
12 didn't report it. And obviously, that is the biggest incentive
13 there could be.

14 And I think the family and Ishmael also understand that
15 this is his chance. This is, you know, likely his only chance
16 to be released pending the litigation of this case while he
17 maintains his innocence.

18 Adding a cash bail that, you know, is very difficult to
19 come by in a (indiscernible) community will do nothing but keep
20 him in jail, so I'd ask the Court not to do that. Thank you.

21 THE COURT: Okay. Well, the Court will approve both Jasan
22 and Ronald as 24-hour sight-and-sound third-party custodians.
23 They appear to be appropriate third-party custodians, and it
24 was not objected to by the State.

25 The conditions -- and there is going to be a monetary

1 component. The Court is not entirely reducing the monetary
2 bail or eliminating the monetary bail.

3 If Ishmael does post the bail, then the rules he needs to
4 follow are to obey all court orders, all federal, state, and
5 local laws, (audio interference) and appear in court when
6 ordered, maintain contact with his attorney, notify his
7 attorney within 24 hours of any change of address or phone
8 number.

9 He is not to have any contact directly or indirectly with
10 the victim in this case, whose initials are A.N., and that
11 means no calling, no texting, no Facebook, no Instagram, no
12 contact whatsoever.

13 I think in order to help achieve that, the Court is going
14 to order that Ishmael remain in Akiak. He is not even
15 ordered -- he is not even allowed to get out on the river
16 because the nearness of Akiak and Kwethluk and how people are
17 always traveling back and forth from Kwethluk to Akiak to
18 Akiakchak to Bethel, he needs to remain in Akiak. He cannot
19 even get out on the river.

20 He cannot go hunting. He cannot go fishing. I understand
21 that might create a difficulty for Jasan and Ronald.

22 While the victim is allegedly not in Akiak right now, she
23 was at some point in time. And again, there's a lot of family
24 that travel back and forth, and I don't know if she's got
25 family in Akiak, but the Court doesn't want them to pass on the

1 river and for Ishmael to do anything inappropriate on the river
2 or anything like that, so he needs to remain in Akiak.

3 Again, no contact with A.N.

4 He cannot live in or be in any house where there is a
5 deadly weapon, so that means Ronald and Jasan need to remove
6 all firearms from their residence, and they cannot be in
7 possession of their own firearms when they are physically with
8 Ishmael, at this time.

9 There doesn't appear to be an alcohol component, and I
10 didn't see anything in the probable cause statement or the
11 affidavit to indicate that alcohol was an issue, so I'm not
12 going to have anything to do with alcohol.

13 Third parties can remand Ishmael for any reason. If they
14 just can't be third parties anymore, they can remand him for
15 any reason.

16 If Ishmael violates any of the conditions that the Court
17 imposes, he'll be subject to immediate arrest, held without
18 bail, until he appears back before a Superior Court.

19 He can be released one hour prior to the next flight to
20 Akiak, once third-party paperwork is turned in and the bail --
21 talking about the bail -- turning to the bail.

22 The Court's going to reduce it down to 25,000. While that
23 might be outside of Ishmael and his family's reach, the Court
24 has grave concerns for the safety of the victim, even with
25 Ishmael being ordered to stay in Akiak and with the victim

1 apparently being in Kwethluk or another village at this point
2 in time.

3 The victim has articulated -- and I'm reading from the
4 probable cause of the affidavit that A.N. articulated multiple
5 past instances where Ishmael follows the same pattern of
6 assaultive behavior, usually staring with an angry, annoyed
7 face, and then a growl. This generally progresses to Ishmael
8 strangling her, slapping her, hitting her legs, throwing
9 objects at her.

10 And recalled that on or about 3/3/2001, Ishmael had a
11 similar pattern of annoyed, growling behavior that led to
12 Ishmael shooting a .30-06 rifle, and then a 20-gauge shotgun
13 near her before pointing a .410 shotgun directly at her head.
14 A.N. thought Ishmael would shoot her in the head, but he
15 eventually put the shotgun down.

16 A.N. recalled that Ishmael has threatened to kill her
17 multiple times in the past. Ishmael has told A.N. that if she
18 reports his assaults, he would take her out into the woods, tie
19 her up, kill her, or leave her to die. After learning that
20 A.N. cares about her siblings, he has threatened to kill them
21 or A.N.'s parents if she does not comply with his wishes. This
22 pattern of fear and assaults led A.N. to play along, to not
23 resist Ishmael's sexual assaults on 3/8/21.

24 So the Court still has concerns for the victim, and to a
25 lesser extent, the public in general. It does appear to be

1 directed all at A.N. Again, Ishmael's ordered to remain in
2 Akiak.

3 He's only 16, at this point in time. I think, some 16-
4 year-olds have problems with sort of their maturity, and their
5 sort of inner voice or whatever it is that tells them to slow
6 down, their -- I can't remember what it's called right now,
7 somebody on the phone probably knows exactly what I'm talking
8 about. But they're reactionary sort of, and so the Court has
9 concerns that Ishmael might do something. That's why it's
10 keeping it at 25,000.

11 With him knowing that he's going to lose that if he
12 violates any of these rules. The Court, again, is aware that
13 Akiak and Kwethluk aren't very far, and hopefully this will
14 keep A.N. safe; the Court is hoping that it will with the third
15 parties and the monetary amount. But the Court believes that
16 25,000 is necessary to protect the victim in this case even
17 with the distance from Akiak to Kwethluk, so the Court's going
18 to say 25,000 plus third parties.

19 He can be released one hour prior to the next flight to
20 Akiak once the monetary bail and the third-party paperwork is
21 provided.

22 The Court's going to also add no contact directly or
23 indirectly with A.N.'s family or siblings -- parents or
24 siblings. There's an allegation that Ishmael has threatened
25 them or made threats to A.N. about it if she doesn't comply

1 with his wishes or directives that he might hurt them, so the
2 Court's also going to order no contact with her family, or her
3 parents, or her siblings.

4 Anything else from the State on this case, Mr. Bruce?

5 MR. BRUCE: No, Your Honor.

6 THE COURT: All right, thank you.

7 Jasan, any questions about the rules Ishmael needs to
8 follow or your job or duty?

9 MR. J. ANDREWS: No.

10 THE COURT: Okay. Ronald, any questions --

11 MR. J. ANDREWS: I was listening intently.

12 THE COURT: -- about the rule --

13 Sorry, say that again, Jasan?

14 MR. J. ANDREWS: I was listening intently --

15 THE COURT: Okay, great. Thank you.

16 MR. J. ANDREWS: -- to everything.

17 THE COURT: Great, thank you.

18 And Ronald, any questions about the rules Ishmael needs to
19 follow or your duties or job?

20 MR. R. ANDREWS: No, I got no questions.

21 THE COURT: Okay. Ms. Jura, anything else on behalf of
22 Ishmael today?

23 MS. JURA: Your Honor, I understand that the Court has
24 ruled, but it occurred to me that the Court wants a monetary
25 incentive that would be the maximum that this family can

1 afford, and I don't think that amount is 25,000.

2 I believe that Ishmael's dad is on the phone. My request
3 would be to put him under oath and just ask him what is the
4 most this family could post and to set bail at that amount so
5 that it serves the same function but doesn't unnecessarily keep
6 Ishmael in jail, so that's my request.

7 THE COURT: Okay. Taking that as a motion to reconsider,
8 the Court's going to deny it. The Court believes that 25,000
9 is appropriate. While it might not be reachable for Ishmael,
10 he's charged with multiple, multiple serious felonies, numerous
11 assaults in the first degree with a weapon, sexual assault in
12 the first degree, multiple assaults in the second degree.

13 The Court believes that 25,000 cash even, unfortunately,
14 if not reachable for Ishmael, is still the appropriate amount,
15 so the Court's going to deny the request as a motion to
16 reconsider.

17 Anything else, Ms. Jura, today?

18 MS. JURA: Not at this time.

19 THE COURT: All right, thank you.

20 And Ishmael, any questions about the rules you need to
21 follow if you bailout?

22 THE DEFENDANT: No.

23 THE COURT: Okay, then we're going to go off record in
24 your case.

25 Parties on the phone for Ishmael are free to hang up, and

1 we'll move on to Oscar Willie (ph).

2 So parties on the phone for Ishmael's case, all free to
3 hang up. Thank you, everyone. And thank you for your
4 patience. I know we're running about an hour behind at this
5 point in time, I apologize for that.

6 THE DEFENDANT: All right, thank you.

7 (Proceedings concluded at 11:26 a.m.)

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I, Sara Koonce, hereby certify that the foregoing pages
numbered 1 through 29 are a true, accurate, and complete
transcript of proceedings in Case No. 4BE-21-00205CR, State Of
Alaska v. Ishmael Jonathan Sergie, transcribed by me from a
copy of the electronic sound recording to the best of my
knowledge and ability.

June 30, 2021



Date

Sara Koonce, CDLT-214
Transcriber